

New Mexico Laws

66-3-1001.1. Definitions.

As used in the Off-Highway Motor Vehicle Act:

- A. "board" means the off-highway motor vehicle safety board;
- B. "division" means the motor vehicle division;
- C. "fund" means the trail safety fund;
- D. "off-highway motor vehicle" means a motor vehicle designed by the manufacturer for operation exclusively off the highway or road and includes:

(1) "all-terrain vehicle", which means a motor vehicle fifty inches or less in width, having an unladen dry weight of one thousand pounds or less, traveling on three or more low-pressure tires and having a seat designed to be straddled by the operator and handlebar-type steering control;

(2) "off-highway motorcycle", which means a motor vehicle traveling on not more than two tires and having a seat designed to be straddled by the operator and that has handlebar-type steering control; or

(3) "snowmobile", which means a motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners or low-pressure tires;

E. "staging area" means a parking lot, trailhead or other location to or from which an off-highway motor vehicle is transported so that it may be placed into operation or removed from operation; and

F. "unpaved public roadway" means a dirt graveled street or road that is constructed, signed and maintained for regular passenger-car use by the general public.

66-3-1003. Off-highway motor vehicles; registration.

Unless exempted from the provisions of the Off-Highway Motor Vehicle Act, a person shall not operate an off-highway motor vehicle unless the off-highway motor vehicle has been registered in accordance with Chapter 66, Article 3 NMSA 1978. The owner shall affix the validating sticker as provided in Chapter 66, Article 3 NMSA 1978.

66-3-1004.1. Fees; disposition.

A. Except as provided in Subsection B of this section, fees collected pursuant to Section 66-3-1004 NMSA 1978 shall be distributed as follows:

(1) of each seventeen dollars (\$17.00) collected pursuant to Paragraph (1) of Subsection A, Paragraph (1) of Subsection B or Paragraph (1) of Subsection C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) to the division, and the money is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles. The remaining twelve dollars (\$12.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978;

(2) fees collected pursuant to Paragraph (2) of Subsection A, Paragraph (2) of Subsection B or Paragraph (2) of Subsection C of Section 66-3-1004 NMSA 1978 to the fund;

(3) fees collected pursuant to Subsection F of Section 66-3-1004 NMSA 1978 to the division, and the money is appropriated to the division to defray the cost of making and issuing duplicate registration certificates and nonresident permits for off-highway motor vehicles;

(4) of each seventeen dollars (\$17.00) collected pursuant to Paragraph (3) of

Subsection C of Section 66-3-1004 NMSA 1978, five dollars (\$5.00) to the division, and the money is appropriated to the division to defray the costs of making and issuing nonresident permits. The remaining twelve dollars (\$12.00) shall be deposited in the fund; and

(5) fees collected pursuant to Subsection G of Section 66-3-1004 NMSA 1978 to the tourism department for the New Mexico clean and beautiful program.

B. If fees are collected by the department of game and fish pursuant to Paragraph (1) of Subsection A, Paragraph (1) of Subsection B or Paragraphs (1) and (3) of Subsection C of Section 66-3-1004 NMSA 1978, seven dollars (\$7.00) shall be deposited in the game protection fund, five dollars (\$5.00) to the division, and the money is appropriated to the division to defray the cost of making and issuing registration certificates, validating stickers and nonresident permits for off-highway motor vehicles, and the remaining five dollars (\$5.00) shall be deposited in the motor vehicle suspense fund for distribution pursuant to Section 66-6-23 NMSA 1978.

66-3-1005. Exemptions.

The provisions of the Off-Highway Motor Vehicle Act shall not apply to persons who operate off-highway motor vehicles on privately held lands or to off-highway motor vehicles that are:

A. owned and operated by an agency or department of the United States, this state or a political subdivision of this state;

B. operated exclusively on lands privately held; provided that the appropriate tax or fee has been paid in lieu of the motor vehicle registration fees;

C. owned by nonresidents and used in this state only for organized and endorsed competition purposes; provided that the use is not on a rental basis;

D. brought into this state by manufacturers or distributors for wholesale purposes and not used for demonstrations;

E. in the possession of dealers as stock-in-trade and not used for demonstration purposes;

F. farm tractors, as defined in Section 66-1-4.6 NMSA 1978, special mobile equipment, as defined in Section 66-1-4.16 NMSA 1978, or off-highway motor vehicles being used for agricultural operations; or

G. used exclusively on private closed courses, whether owned by the rider or another person; provided that, if applicable, the excise tax and registration fees have been paid and are current.